

**THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ATHENS DIVISION**

<b>TAMARKUS LAKEITH WRIGHT,</b>	:	
	:	
<b>Plaintiff,</b>	:	<b>Civil Action</b>
	:	<b>No. 5:16-cv-490 (CAR)</b>
<b>v.</b>	:	
	:	
<b>Warden BRUCE CHATMAN, <i>et al.</i>,</b>	:	
	:	
<b>Defendants.</b>	:	

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**ORDER ON RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Currently before the Court is the Recommendation of the United States Magistrate Judge [Doc.29] to partially grant Defendants' Motions to Dismiss [Doc.20], to partially grant Plaintiff's Motion to Amend [Doc. 24], and to deny Plaintiff's Motion to Appoint Counsel [Doc.25].

Specifically, in its preliminary review of Plaintiff's Amended Complaint, the Recommendation recommends that Plaintiff's excessive force, deliberate indifference to medical needs, and due process claims relating to a 2012 prison riot be dismissed as time-barred; his tort law and deliberate indifference claims relating to a slip and fall incident, his Religious Land Use and Institutionalized Persons Act claims, and his access to the courts claims be dismissed as unrelated his original due process claims; his proposed temporary restraining order be denied; and his new, additional facts and Defendants regarding his due process claims be allowed to go forward.

Regarding Defendants' Motion to Dismiss, the Recommendation recommends that all but one of Plaintiff's due process claims be dismissed for failure to exhaust his administrative remedies; that his official capacity claims be dismissed as barred by the Eleventh Amendment; and that the portion of Defendants' Motion to Dismiss seeking dismissal of Plaintiff's claims against Defendants Chatman and McCloud under a respondeat superior theory be denied, as Plaintiff asserts new allegations in his Amended Complaint. Additionally, the Recommendation recommends that the portion of Defendants' Motion to Dismiss seeking dismissal of Plaintiff's individual capacity claims as barred by qualified immunity be denied with leave to refile. Moreover, the Recommendation recommends denying Plaintiff's Motion to Appoint Counsel. The Court granted Plaintiff an additional 14 days to object [Doc. 47], but Plaintiff has not objected to the Recommendation, and the time for doing so has expired.

This Court agrees with the findings and conclusions of the Order and Recommendation, and thus, it [Doc. 29] is **ADOPTED AND MADE THE ORDER OF THE COURT**. Defendants' Motion to Dismiss [Doc. 20] is **GRANTED-IN-PART AND DENIED-IN-PART**, Plaintiff's Motion to Amend [Doc. 24] is **GRANTED-IN-PART AND DENIED-IN-PART**, and Plaintiff's Motion to Appoint Counsel [Doc. 25] is **DENIED**.

**SO ORDERED**, this 12th day of October, 2017.

S/ C. Ashley Royal

C. ASHLEY ROYAL, SENIOR JUDGE  
UNITED STATES DISTRICT COURT